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ABSTRACT

History shows that the high school press suffers through cycles that reflect economic factors and cultural climates within communities, states, and the nation. The direction of that cycle in the 1960s and early 1970s was toward more open, free-flowing information by a vigorous student press, but those economic and cultural signs now are pointing toward a period of increasing censorship and narrowing of the guidelines governing what is publishable, much like in the 1950s. The key to the maturing of the student press was the enthusiastic teacher/adviser that appeared in the early 1970s, who no longer viewed the newspaper product with proprietary interest. In 1974, the Commission of Inquiry into High School Journalism found that unconstituional and arbitrary restraints were a matter of school policy--stated or implied--in all areas of the country. In the face of increasing censorship, students and faculty advisors are taking their cases to court. While there is no adequate body of law covering the student press issue, there are a few certainties: (1) the courts have consistently ruled that administrators cannot control the content of student publications; (2) private schools are not covered by the forum theory that underlies these rulings; (3) obscene works, libelous works, and works that would cause a "substantial disruption" in the schools can be legally censored; and (4) in all censorship cases, the "burden of proof" rests on the censor. (HTH)

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FREEDOM OF INFORMATION CENTER REPORT NO. 460

HIGH SCHOOL PRESS PRESSURES

This report was written by Luella P. Rogers, a master's candidate at the University of Missouri School of Journalism.

The story of the high school press is a saga marked by continual change, continual censorship and continual confusion on the part of the courts.[1] History shows that the high school press suffers through cycles that reflect economic factors and cultural climates within communities, states and the nation as a whole.[2] The direction of that cycle in the previous decade was toward more open, free-flowing information by a vigorous student press, influenced by the underground press and a changing society. But to Wayne Brasler, the 1981 National High School Journalism Teacher of the Year, those economic and cultural signs now are pointing unmistakably toward a period characterized by increasing censorship, a narrowing of the guidelines governing what is publishable and a growing attitude among students themselves that it would not be wise to "rock the boat." It is a period resembling the 1950s.[3]

An assessment of the state of the high school press pictures an unusual montage. Christopher Herrling, a Washington, D.C., attorney and director of the Student Press Law Center, says incidents of direct or attempted censorship are increasing, but they are occurring in odd places. New York City, an urban area considered liberal to the press, has reported cases of censorship, while in Arkansas, considered a more conservative area, a school administration recently firmly backed a student's right to publish.[4] But there are several possible reasons for this increase. Students could be awakening to their legal rights, administrators could be placing stiffer limitations on the areas they will allow students to comment in print, or student publications could be more aggressively seeking subject matter on which to comment. There is substantiation for each.

Dr. Robert P. Knight, a professor at the University of Missouri School of Journalism and a director of the Missouri Interscholastic Press Association, says that after 25 years of observation, he senses that scholastic journalism has matured and grown to the point that it can be considered to have come "of age."[5] Wayne Brasler's collection of some of the best student newspapers now printing across the United States reinforces that perception. Those newspapers illustrate the truth of a statement by Calvin Zon (Washington Star, 5-10-76) reprinted in an earlier Freesom of Information Center Report–"High School Press Freedom" (No. 381) that says:

> High school newspapers ain't what they used to be.
>
> Gone are the stories of prom queens, award, cheerleaders, boosterism and gossip. These days you're more likely to find stories about abortion or drugs or teenage drinking.[6]

Sharp, young high school editors–with the help of knowledgeable journalism advisers–have yanked their publications into the modern era by addressing problems long ignored not only within their schools but also within their communities. The Student Press Law Center Report, published in Washington, D.C., since 1974, has been documenting a number of those same editors' battles to get their words into print.[7]

But a contrasting situation in now growing right beside this development of a more vigorous student press–a tenuous change in the climate surrounding the public schools due, in part, to the nation's shift toward conservatism. Wayne Brasler defines it as the repression of the era. "I think it's a psychic thing you have," says Brasler. "You have to have your feelers out. You can't document your facts exactly, but the signs are all there."[8]

Some signs have been documented. One is the upsurge in the censorship of library books and textbooks. This trend was the subject of two previous Freedom of Information Center Reports–"Parents Protest Textbooks" (No. 401) in March, 1979, and "Censorship in Public Schools" (No. 443) in August, 1981. From 1978 to 1979, the Office of Intellectual Freedom of the American Library Association reported 300 cases of book censorship. In 1980, the same group reported that censorhsip pressures of all kinds increased from three to five episodes a week to three to five episodes a day.[9] Cases of successful censorhsip by pressure groups of any kind have a chilling effect that seeps into all areas where information in dispersed.

Add to this a period of economic crunch that is tightening the belts of many school districts. Scarce money means jobs phased out and budgets slashed, a situation that affects administrators, teachers, educational programs, newspaper advisers–and students. Adminstrators become touchy about public opinion; teachers become wary of losing jobs they can ill-afford to lose, students, setting their sights on the job

Summary

After a decade of advancement and relative freedom, the high school press is facing the conservative pressures of the nation which have tightened money and given rise to groups intent on censoring the school press.

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market, view college as a necessary goal, and their entrance into that college is frequently dependent on good recommendations from school officials. These subtle, outside influences, such as censorship of books and economic stresses, cannot help but affect the student press. An examination of how and why the student press has changed during the last 50 years shows where these new pressures might have the greatest effect.

Continual Change

Dr. Robert Knight has said that in the 1930s the high school press, by mimicking the style of its professional counterparts, proved it could cover the school with detailed, craftsmanlike coverage of curricular and extracurricular activites. By the 1940s and the beginning of the quieter 1950s, years significant for recovery from World War II and a rise in affluence for the American family, it was proving it could also featurize the news. But the school press was leaving the school corridors and heading for the streets by the '60s and '70s. Affected by similar emotions that gave rise to the underground press, these student journalists began covering issues important to young people. They stirred the placid waters with articles about the Vietnam War, drugs, racial problems, sex, changing family life and the effects of divorce.[10]

To Dr. Knight the key to the maturing of the student press was the new breed of teacher/adviser that appeared in the early '70s. Considering journalism as the important class of the day in a frequently varied schedule, these new advisers stopped viewing the newspaper product with proprietary interest. They were less eager to censor or edit the students' copy.[11] They also had help from two important organizations: the Newspaper Fund and the Commission of Inquiry into High School Journalism which the Robert F. Kennedy

The Newspaper Fund, established in the late 1950s by Dow Jones, publisher of the **Wall Street Journal**, began funding summer institutes at journalism schools. The theory behind their move is that if you motivate and interest the teacher, the result is a more motivated and interested student. These institutes have contributed to the professionalization of the high school journalism teaching position within the schools, says Dr. Knight.[12] The teachers attending them are able to interact not only with each other but also with the professsionals working on the college campuses. The Newspaper Fund also began sponsoring awards for National High School Journalism Teacher of the Year and Distinguished Advisers, providing incentives and role models.[13]

Then came the Commission of Inquiry into High School Journalism. After thorough study, it produced an assessment of the status of the high school press. The commission published its findings in a book, **Captive Voices**. Widely read and quoted for years following its publication in 1974, this book brought national attention to the state of affairs within American schools in regard to school newspapers.[14] The commission had found that "the great majority of high school journalism programs investigated...did not encourage free expression, independent inquiry, or investigation of important issues in either the school or community."[15] The newspapers were bland, and the journalism programs enjoyed low priority among other programs.[16] They found that professional newsmen didn't have a particularly high regard for the high school press, either. One California editor commented, "High school newspapers can only be regarded as house organs subject to control of the organization paying the bills, the school district." An Indiana editor commented, "All animals walk with assistance before they run. Only poisonous snakes are trusted with a venomous bite from birth."[17]

The result of these happenings was a more spirited student press and what one educator has called scholastic journalism's "Golden Years."[18] It is this spirited press that is endangered by the pressures of the 1980s. Both students and their advisers still are fighting. The easiest way to illustrate this is by an examination of a perennial problem — censorship.

Continual Censorship

In 1974, the Commission of Inquiry Into High School Journalism identified the problem of censorship in this way: "Censorship and the systematic lack of freedom to engage in open, responsible journalism characterize high school journalism. Unconstitutional and arbitrary restraints are so deeply embedded in high school journalism as to overshadow its achievements, as well as its other problems."[19] The commission found that it was a matter of school policy — stated or implied — in all areas of the country. Censorship persisted even where litigation or administrative action destroyed the legal foundation for it. Even advisers or journalism teachers, who in private favored a free student press, gave in to bureaucratic and community pressures to censor, a fact generally accepted by everyone as a routine part of the school process.[20]

As one method of helping the situation, a grant from the Robert F. Kennedy Memorial established the Student Press Law Center in Washington, D.C., in 1974. With a small salaried staff, plus volunteer students and interns, the Student Press Law Center has provided legal advice to student journalists and has published a report two or three times a year for the last eight years. The **SPLC Report** has featured important court cases involving student journalists and advisers, articles explaining students' press rights and examples of censorship around the country. The SPLC also has advised students on their press responsibilities, a fact that has not always endeared them to the students.[21] The SPLC says it learns of over 300 censorship incidents each year and presumes that many others are not reported. These are incidents that, for whatever reason, are not challenged in the courts.[22]•

What prompts an administrator to censor a student newspaper? Donald Shull, superintendent of the district containing Raymore-Peculiar High School in northwestern Missouri and a recent recipient of the Outstanding Administrator Award presented by the Missouri Interscholastic Press Association and the Missouri Journalism Education Association, says he may censor something controversial, which he defines as "something that would be against my morals, or my districts's morals, the community in which I live. Something that might be distasteful in our community's area."[23] Although his explanation is wide enough to fit anything into it, he does say he places his faith and a lot of responsibility on the shoulders of his teacher or adviser.[24]

Sharon Gentry of Raymore-Peculiar High School is that journalism adviser. Mrs. Gentry says she tries to teach the students responsibility. Since the high school is in a conservative community, she says that responsibility means thinking carefully about how something will be received in that community. She feels it is important for the students to realize the consequences they face when they publish something. "I've even allowed some students to publish some things that I knew they were going to hear about from their fellow students and allowed them to have those conse-

• See pp. 4-5 of this report for examples.

quences." She says she has allowed students to publish "controversial" material and has not been sorry.[25] But it was material she didn't get into trouble over either.

The problems occur in direct proportion to the amount of "protection administrators wish to exercise over their students and staff. Anything that disturbs the status quo makes administrators touchy and nervous. Yet that is at the heart of the problem. Wayne Brasler, of University High School in Chicago, says:

> "Our job is to raise these kids so they can go out and contribute to the community, so they can be intelligent citizens and want to get involved in government and want to vote. To do this, they have to get practice right now in talking about issues and being mature."[26]

Brasler says he feels journalism advisers have to stiffen their backbones. They don't need to confront administrators or make a fuss. "The only thing that will get you is tears," he says. They have to believe that it is worth their effort or the advancements made since **Captive Voices** will be lost. But, he says, administrators can be reached. "Most educators are proud to be educators. They want to be good educators."

There is one other path to take when situations don't seem to have solutions. Students, advisers, administrators and parents are going to court. Unfortunately, as Wayne Brasler says, "the law is nothing but scrambled eggs."

Continual Confusion in the Courts

The newspaper adviser, the principal and the school board did not object when the staff of the **Neopolitan Monthly** at Naples (Fla.) High School decided to run a four-part series on sexuality. But one parent did. Edward Russ, whose daughter was a senior at the high school, saw the first articles and attempted to block publication of the last. Ruff said, "I reserve the right to teach my kids about V.D. and birth control. I reserve the right to control what is taught to my kids in the public school system." He also said that because money for the newspaper comes out of tax dollars, "I am, in effect, the publisher" of the paper. He didn't win the argument in district court. The article has been printed, but Russ still is appealing in the Second District Court of Appeals.[28]

This is an example of the problems the student press faces in 1982. A case in Torrence, Calif., is another.

The faculty adviser of the Torrance High School student newspaper was fired nine years ago. He would not follow administration orders to censor the paper. He is still fighting for vindication. With Don Nicholson's guidance, the student newspaper had covered a wide variety of issues, some of them controversial. The administration insisted that all articles conform to the standards of Rotary International, a private business club. The articles has to "be true," "be fair to all concerned," "build goodwill and better friendships," and be "beneficial to all concerned." Also, the administration thought it had better read the articles before they were published. But much of what the students were writing failed the test. For example, a movie review of "Midnight Cowboy" and one of "Hair" were not beneficial. More "wholesome" movies should have been chosen for review. Other articles that failed the test were a story about attitudes and problems in a local Chicano community and a letter criticizing the school administration. Nicholson stopped submitting articles to the administration for prior review and subsequently was fired. After a nine-year battle, Nicholson's case now is before the U.S. Court of Appeals for the Ninth Circuit.[29]

Calvin Baker of Midland, Texas, is another victim. Baker was dismissed as a teacher at Midland High School in June 1980 after a 17-year career. The high school principal says Baker's contract was not renewed because he didn't improve his teaching skills. Baker says he was fired because he wouldn't censor the school newspaper. Baker is now an oil company landman. His suit asks for damages because he's accepted the fact that he is through as a teacher.

"If you break the law and censor the paper, the students can theoretically sue you," he said. "But if you don't, (the administration) will think of some reason to fire you."[30]

Baker was correct. Students are suing. When his high school administration censored articles, confiscated an issue and finally shut down his paper, Charles Reineke, editor of the **Arrowhead** of McEachern High School in Cobb County, Ga., sued his school district. His fellow classmates called him a "dirty commie," urged his to "go to Iran" and telephoned death threats, he says. Reineke charged the administration and adviser with four acts of censorship: the suppression of a paragraph on homosexuality in one issue, the confiscation of one issue, deletion of two articles from another issue and termination of the newspaper. The judge said the administration refused publication because it didn't like its content. The judge also said "it was inconceivable that the word 'damn' in the newspaper one time would disrupt the school community." Reineke won his suit. But the day he won it, about 60 students gathered in front of the school and burned an issue of the paper.[31]

While these are examples of the types of cases that district judges are finding entered on their dockets, the people who attempt this route have no assured outcome. There is no adequate body of law covering the student press issue.

There are, however, a few certainties. One **SPLC Report** in the spring on 1980 spelled this out:

> Although schools often provide funding and guidance for student publications, the courts have consistently ruled that, under the forum theory, administrators cannot control the content of those publications.

Every court that has considered the issue has adopted the forum theory.

> In essence, the theory says that once the government (and all public schools are government run) establishes a public forum for expression, like a public park, auditorium or student newspaper, the government cannot regulate what is expressed in that forum.
>
> For instance, if a school (i.e. government) sponsors a student newspaper where students can express their views and ideas, then the school cannot dictate what those views and ideas can be.
>
> Private schools are not covered by the forum theory or even by the First Amendment, since the Constitution only protects people from being censored by the government.
>
> Although public school students are free to publish their opinions, generally three forms of material can be legally censored — obscene works, libelous works and works that would cause a "substantial disruption" in the school.
>
> However, in all censorship cases, the "burden of proof" is on the one who censors.
>
> Except for these three types of material, students are free to publish what they wish. Funding may not be cut and students cannot be punished because the administration disagrees with the opinions of the paper. Even though a faculty adviser

> may read the paper, the adviser cannot control its contents. Administrators cannot confiscate the paper or fire the editor, and in some jurisdications, they do not have they right to read it before publication.[32]

Armed with this information, good as it is, with enough money to pursue a cause and enough money to stay the course, anyone can sue for any of the above reasons and find the courts deciding to suit themselves. The **Journal of Law and Education** dealt with this issue in October 1981. The article's authors, John Huffman and Denise Trauth, write:

> One of the stickier First Amendment problems is the issue of prior restraint. When may government officials constitutionally suppress (as opposed to subsequently punish) a publication that may ultimately turn out to be unprotected for one reason or another? The usual answer...is virtually never. The risks that protected expression will be suppressed are so great that the Supreme Court has created a presumption against the constitutionality of regulations imposing a prior restraint....(O)nly the most overriding public interests will suffice to support a prior restraint of non-obscene material. With regard to allegedly obscene material, prior restraint is permitted only when necessary in order for the suppressing officials to have an opportunity to establish the unprotected nature of the expression in a judicial forum.[33]

Before 1969, school officials used their authority to forbid the distribution of material within the school, whether that right was written down anywhere or not. But when the U.S. Supreme Court decided in **Tinker v. Des Moines Independent School District**,[34], it declared that students had First Amendment rights that could be abridged only when their exercise threatened a material disruption of normal school procedures. **Tinker** is the controlling case for determining the First Amendment rights of minors, somewhat less than those enjoyed by adults, although still deserving of respect and protection. While helpful, the case is not all that strong. Despite the "forecast" language, the case actually concerned the subsequent punishment of students for wearing armbands when they had been told they could not. The question of prior restraint never arose. Thirteen years later, although federal appeals courts have continually dealt with cases of prior restriant of student publications by school officials, the Supreme Court has certainly not helped them any. So, says the **Journal of Law Education**, it's not surprising that "they have reached extraordinarily different conclusions."[35]

The Court of Appeals for the Fourth Circuit has the longest list of cases since **Tinker**. In **Quarterman v. Byrd**,[36] the court pointed out that the First Amendment rights of juveniles are not equivalent with the First Amendment rights of adults. However, they decided against the schools, saying, "officials can impose prior restraint only in those special circumstances when they can 'reasonably forecast substan-

UNANSWERED CENSORSHIP:

The following are examples of incidents of censorship that have not reached the courts:

Sandspring, Ok. — It is in the adviser's job description and it's being tolerated every day by student journalists at Charles Page High School...

"It" is prior review and censorship of the student newspaper, the **Sandstonian**.

Last December (1979), the principal ordered that a letter to the editor could not be published. The letter complained about the administration's policy that requires all students who are late for class to report to the principal's office, said **Sandstonian** adviser Laura Schamb.

Schamb's contract states that she will allow the principal to read all copy before it is printed, according to Rachel Guthridge, **Sandstonian** editor.

"The principal will not let us print anything about the tardy system; he gets very defensive about that," said Guthridge. "We've tried to work with him through student council, but that doesn't work. I've talked to him several times about it, but he thinks he's protecting us. He thinks the paper should print only good things because he thinks that's what the parents want to see."

Guthridge said that since the principal's power to review the paper is in the adviser's contract, she doesn't feel there is any way to challenge it.[23]

Grand Forks, N.D. — Cutting and pasting is a popular practice for journalists trying to piece together a good story, but now administrators at Williston High School...are trying their hand at the cut and paste routine — they recalled the school's yearbook early this year (1980) and glued two offensive pages together.

Upset with two pages of graffiti in the book, the principal ordered the pages in all undistributed books glued together with rubber cement.

His attempt to censor the questionable pages had little success though, since the recall and the gluing came three days after students received the book. Only about 100 of the 800 books were altered.

The two offensive pages carried "Sayings of 79," — sayings like "Nuts and bolts, we got screwed" and "That pisses me off."

Many students had already seen the pages and were amazed at the school's reaction. Parents called to complain about the book but none complained about the administrative recall and censorship, according to the Northern Interscholastic Press Association.

"Next year," said the principal, "the book will be checked with a fine tooth comb."[24]

Altoona, Pa. — After their high school had 27 reported pregnancies in two months, 11 of them in the sophomore class, staffers of Altoona Area High School's **Altoona Mirror** decided a survey and a series of teen sexuality would be relevant topics for the paper.

Administrators approved the stories but axed the survey idea.

Editors of the **Mirror** asked for, and got, permission from the principal to distribute a survey asking students their opinions on premarital sex and contraception, but the school's superintendent

tial disruption of or material interference with school activities'[37] because of the distribution" of any material.[38] Then came **Baughman v. Freienmuth**, where the school regulations that were in question "did not provide for a 'specified and reasonably short time period in which the principal must act.'"[39] A third one followed, **Nitzberg v. Parks**[40], and all three made it plain that a prior restraint rule would have to clearly define what a "substantial disruption" of school activities really was, and what criteria an administration planned to use to predict such a disruption.[41]

The next case dealt with a different issue. In **Gambino v. Fairfax County School Board**,[42] the court affirmed a district court decision that a student high school newspaper published by journalism students was protected by the First Amendment restrictions outlined in **Quarterman,, Baughman** and **Nitzberg**. The school authorities had urged that the newspaper could be regulated as part of the curriculum and therefore exempted from the requirements of the earlier cases. The court rejected this contention. When the school board tried to declare the newspaper an "in-house organ of the school system," the court reverted to the forum theory.

Then came **Williams v. Spencer** in 1980, the fly in the ointment. Despite the previous four cases clearly defining the issues, this case refuted them all. While **Williams** may appear as an aberration, the fact remains it is there.[43] As the **Journal** states: "Until such time as the cases become reconciled, the status of students' publication rights in the Fourth Circuit must be perceived through muddied waters."

The waters surrounding the Second Circuit are no less muddy. Here they have adopted a position at odds with all cases except **Williams**. "It is to everyone's advantage," the court said in one case, "that decisions with respect to the operation of local schools be made by local officials."[44] In fact, in 1978 in **Trachtman v. Anker**, the court held "that students' First Amendment rights were subordinate to the power of school administrators to protect the students under their care."[45] The position taken by the court in **Trachtman** "was that any school authority can engage in prior restraint whenever a court can conclude that there is a reasonable basis for the school official to forecast disruption as known to others. And the courts will give the school authority the benefit of the doubt as regards both the seriousness of the possible disruption and the reasonableness of the authority in predicting the possible disruption." To a dissenting judge, it was a misreading of **Tinker**.[46] He also noted that the court was not being consistent, which is an understatement.

While the Fifth Circuit with only one case, **Shanley v. Northeast Independent School District**[47] in 1977, agrees with **Williams** that "a prior submission and approval rule does not violate the First Amendment if it is correctly administered," the Seventh Circuit unequivocally forbids **any** prior submission requirement and insists on a literal reading of **Tinker**. In fact, they said cases in the Second and Fourth circuits were too restrictive of students' First Amendment rights, which isolates them over in a corner by themselves.[48]

Many Restrictions Are Not Challenged By Faculty

found the survey offensive, embarrassing and structurally poor.

He had the surveys confiscated before the students tabulated the results, said Laui Jebelirer, the **Mirror**'s co-managing editor.

The articles on teen sexuality ran, but the story used national statistics, not statistics from the school.

"The reason we didn't fight was because it would take too long," said Jubelirer. "It wouldn't be until next year until something got done and there would be a whole different staff by then."

She also said the local newspapers supported the students' survey and covered the confiscation extensively. Because they did, Jubelirer said, "the community was made aware of the high amount of sexual activity and the (little) use of contraception, and that was our purpose all along."[25]

These examples are indicative of some of the problems: going to court takes so long that editorial staffs have been replaced, teacher/advisers agree to allow administrators to censor the papers (prior restraint) or administrators refuse to meet head-on problems that already exist. Advisers, too, are having their problems. The Winter 1981 **SPLC Report** gives the following examples:

> Unable to afford a lawyer, Susan Ginda is about ready to end the batter over her removal as newspaper adviser and reassignment as an English teacher at Leonard Community High School in Lake Worth, Fla.
>
> Ginda ran into conflicts with Principal James Munroe last year over the content of the **Knight Times**, the Leonard student newspaper.
>
> As a result, Ginda claims, she was removed as adviser and reassigned from teaching advanced English course to teaching basic skills courses.
>
> Ginda said Munroe told her "that I couldn't continue as journalism adviser because I wasn't certified. I asked for a year to become certified, and he wouldn't give it to me." Her successor is not certified as a journalism instructor, either, she said.[26]

David Evans is now in the position of having won back a job that he no longer wants.

Last spring, the Jackson-Milton (Ohio) School Board decided not to renew Evans' supplemental assignment as newspaper adviser after an editorial critical of the board appeared in the Jackson-Milton High School **J-M Blues**.

The editorial, written by staff member Scott Smith, compared the board's removal of several books from the library to censorship in Nazi Germany and the Soviet Union. Some of the board members, said Superindendent Richard Razek, "were hurt by the comments in the editorial."

Evans appealed the board's decision as a "flagrant violation of my First Amendment rights and a grave disservice to a dedicated teacher." Over the summer, the board reversed itself and reinstated Evans.

Although he is serving as adviser this year, he will opt out next year if a replacement can be found. "I fought this dismissal for the principle, not the job," he said. "...the position is more trouble than it is worth financially."[27]

A concluding paragraph in the **Journal** sums up the situation:

> It is obvious that the United States Courts of Appeals are not in agreement concerning the power of prior restraint against student publications. Different courts are giving different interpretations to the standards outlined by the Supreme Court in **Tinker**. Thus, the decisions range from approval of broad powers of prior restraint to denial of any power. Until such time as the Supreme Court considers issues of prior restraint in the school context, there is unlikely to be any uniform standard developed concerning the power of school authorities to so limit the most fundamental right of free expression."[49]

An incident in Philadelphia makes an excellent comment on the confusion over the courts. After a lengthy lawsuit, the principal of George Washington High School agreed to this settlement out of court: "Within 10 days Dr. Carol Wacker, the defendant, will complete the selection and appointment of a faculty sponsor to intitiate this year's publication of the **Town Crier**. Within five days of that appointment, the editors of this year's publication of the **Town Crier** will be appointed." Eight months later, the first issue appeared listing most of the staff as being teachers or administrators. Principal Carol Wacker headed the staff in her newly created position as publisher. When legal decisions go against administrators, they have been know to pick up and go on — ignoring it all.[50]

Continuing — Toward What?

In forecasting a future for the student press, one would be tempted to use the gloomy future facing the Student Press Law Center as an indicator. In January, 1982, the Robert F. Kennedy Memorial informed Chris Herrling, director of the center, that it would no longer provide its annual $10,000 to help fund the center. Although the center always has raised the major portion of its funds on its own, the memorial has underwritten it and paid small debts the center could not cover, a practice that is also ending. Other contributors have also cut back on their contributions with the result that the center is reduced to one small room, one director, no interns and no helpful **SPLC Report**. Instead, it will be a twice-monthly newsletter.[51]

These economic troubles are combining with new school administration actions to curtail student press freedom. In one Texas school district, students do not have to wonder whether articles in their school newspaper will anger the principal. In the Carrollton-Farmers Independent School District, the principals of R. L. Turner and Newman Smith high schools have been named editors-in-chief of their respective school newspapers. A new policy enacted in March, 1981, states: "Although the student editor and the journalism teacher may function as editors, the principal will serve as editor-in-chief and as such he/she will have the responsibility for the final product."[52]

But in contrast, there is 16-year-old Marty Timm, an associate editor of the **Viking** in Atlantic City. After the newspaper polled half of the school's student body in the fall of 1981 and found that 56 percent of those under legal gambling age frequented local casinos, Rimm dramatized the findings by slipping past casino security dressed in Arabic costume. "Casino officials, parents and school officials either weren't aware of the problem or if they were, they didn't seem to want to do a lot about it," he said. One casino is only two blocks from the school. Students drop in on their lunch hour and in the afternoon after school. The poll showed only 10 percent of the students used fake identification to get past casino security checks, while 80 percent simply walked past security gurards. Rimm's first-hand investigation was not sanctioned by either the school administration or the newspaper. He said he pursued the investigation anyway because he felt the poll results alone wouldn't have enough impact.[53]

It's students like Marty Rimm who must be remembered. Without enterprises such as his, the student press can do nothing else but what it has always done — continue.

FOOTNOTES

1. John L. Huffman and Denise M. Trauth, "High School Students' Publication Rights and Prior Restraint," **Journal of Law and Education**, Vol. 10, Number 4 (October, 1981), p. 486.
2. Wayne Brasler, Newspaper Fund's National High School Journalism Teacher of the Year for 1981, interview with the author, April 13, 1982.
3. **Ibid.**
4. Christopher Herrling, director of the Student Press Law Center, Washington, D.C., telephone interview with the author, April 22, 1982.
5. Dr. Robert P. Knight, "Scholastic Journalism Comes of Age," **The School Press Review** (November, 1981), p. 8.
6. Diana J. Maurer, "High School Press Freedom," **Freedom of Information Center Report** 381 (November, 1977).
7. **Student Press Law Center Report**, issues from Spring 1978 to Winter 1981.
8. Wayne Brasler, Journalism advicer, University High School, Chicago, Ill., interview with author, April 13, 1982.
9. Angela K. Sneller, "Censorship in Public Schools," **Freedom of Information Center Report** 443 (August, 1981).
10. Knight, p. 9.
11. **Ibid.**
12. **Ibid.**
13. **Ibid.**
14. Jack Nelson, ed., **Captive Voices: High School Journalism in America** (New York: Schocken Books, 1974).
15. Nelson, p. 111.
16. **Ibid.**
17. Nelson, p. 117.
18. Knight, p. 8.
19. Nelson, p. 47.
20. **Ibid.**
21. Knight, p. 9.
22. **Student Press Law Center Report** (Spring, 1980): 10.
23. Donald Shull, Superintendent, Raymore-Peculiar High School, Outstanding Administrator chosen by Missouri Interscholastic Press Association, interview with author, April 13, 1982.
24. **Ibid.**

1981.

25. Sharon Gentry, journalism adviser, Raymore-Peculiar High School, Missouri, interview with author, April 13, 1982.
26. Brasler.
27. **Ibid.**
28. **SPLC Report** 4 (Fall 1981): 9.
29. **SPLC Report** 4 (Spring 1981): 6.
30. **SPLC Report** 3 (Spring 1980): 16.
31. **SPLC Report** (Sping 1980): 2.
32. **Ibid.**
33. Huffman and Trauth, p. 486.
34. Huffman and Trauth, p. 487.
35. **Ibid.**
36. **Quarterman v. Byrd**, 453 F.2d 54 (4th Cir. 1971).
37. **Ibid.**
38. **Ibid.**
39. **Baughman v. Freienmuth**, 478 F.2d 1345 (4th Cir. 1973).
40. **Nitzberg v. Parks**, 525 F.2d 378 (4th Cir. 1975).
41. **Ibid.**
42. **Gambino v. Fairfax County School Board**, 564 F.2d 157 (1977).
43. **William v. Spencer**, 622 F.2d 1200 (4th Cir. 1980).
44. **Eisner v. Stamford Board of Education**, 440 F.2d 803-10.
45. **Trachtman v. Anker**, 563 F.2d 512 (2nd Cir. 1977) cert. den. U.S. 925 (1978).
46. Huffman and Trauth, p. 499.
47. **Shanley v. Northeast Independent School District**, 462 F.2d 960.
48. Huffman and Trauth, p. 503.
49. Huffman and Trauth, p. 505.
50. **SPLC Report** (Winter 1981): 6.
51. Herrling, interview with author.
52. **SPLC Report** (Spring 1981): 20.
53. **SPLC Report** (Fall 1981): 17.